

## TO BLOCK BARNSDALL DESIGN

OUSTER SUIT TO BALK  
SINISTER SCHEME OF  
STANDARD AGENT

TEMPORARY RESTRAINING  
ORDER AT PAWHUSKA

Alleged That Company Seeks  
to Violate Constitution of State  
of Oklahoma

Ouster proceedings against the Indian Territory Illuminating Oil company were begun in the name of the State of Oklahoma by County Attorney L. F. Roberts in the court of County Judge C. T. Bennett of Osage county at Pawhuska yesterday evening. Judge Bennett granted a temporary restraining order preventing the company from doing those things alleged to be in violation of the constitution and the law.

The petition prays that the company be restrained from carrying on to execution such violatory action and prohibited by the forfeiture of its license from further doing business in this state.

The case is styled, The State of Oklahoma versus The Indian Territory Illuminating Oil company and the petition was prepared and presented in accordance with instructions from Governor Haskell. O. T. Smith, special attorney to the governor, and T. J. Leahy, of Pawhuska, will assist in the prosecution. No date has been fixed for a hearing of the case.

The following men, none of whom are residents of Oklahoma, who constitute the board of directors of the Indian Territory company, are named with Barnsdall as defendants: H. A. Foster, John H. Brennan, H. B. McPherson, Kenneth K. McLaren, Charles W. Willard, James A. Simmons, James S. Glenn, M. J. Duell, A. C. Foucher and H. F. Stillwell.

The petition recites that the oil company is engaged in the transportation and transmission of natural gas through pipe line to various points in the state, more particularly in Osage and Washington counties, and that it maintains and operates more than 60 miles of gas pipe lines in the state.

It is alleged that this company through its directors or its agents, and in particular through T. N. Barnsdall, is negotiating with cities and towns outside the state for the sale of natural gas and that it is about to lay and construct pipe lines from the gas fields of Oklahoma over the highways and roads of the state and across the state line to connect with other lines without the state.

It is charged that the company is trading, dealing and trafficking in real estate in violation of the law and the constitution, in that it holds parcels of the 650,000 acres of land controlled in Osage county, and in that it withholds from its sublessees all gas privileges, and is seeking to negotiate and sell gas privileges to a combination headed by T. N. Barnsdall and the Standard Oil company.

That Barnsdall and the Standard Oil company have entered into a collusion for the purpose of controlling all the gas output of the state is charged.

The scene was enacted in the offices of M. F. Dunleavy. The sensational act following the settlement of the Dunleavy divorce case. Such are the statements of Mr. Dunleavy and others who were in the room.

Mr. Crump and Mr. Dunleavy had retired into an ante-room, evidently to discuss some matter, and had closed the door behind them. They had been in the room but a few seconds when Mr. Dunleavy began pounding furiously upon the door from the inside, the Yale lock having been snapped behind them when they entered. Mr. Toomer ran to the door, but before he could reach his key Mr. Dunleavy had opened it from the inside. Dunleavy excitedly ran to his desk and tearing open the

The petition states that this alleged combination now controls 500,000 acres of gas producing land outside Osage county and that this with the 650,000 acres in Osage county practically constitutes the gas field of the state.

The Indian Territory Illuminating Oil company was chartered in New Jersey in 1901. A copy of the charter is on file with the secretary of state of Oklahoma. H. V. Foster of Boston is president, and M. F. Stillwell of Bartlesville, secretary and treasurer. The company's Oklahoma headquarters is at Bartlesville. This company succeeds Edward H. Foster, who secured the original lease, which covered the entire Osage reservation. An act of congress later reduced the holdings to 650,000 acres. This comprises practically the entire gas producing area of Osage county.

All developed lands in the nation were in 1906 leased for a term of ten years, over protest of the Osage Indians. Nearly all the company's holdings are sublet and the sublessees do the developing. It is claimed that the Indian Territory company had made only a small investment.

The Pawhuska Oil & Gas company is the only sublessee that is allowed to open new territory. The company pays a royalty of \$100 per acre for each well and one-eighth of the production to the Indians and receives royalties from sublessees of one-fifth to one-sixth of the production.

## WILL PRESS LAND SALE

Special to Daily Leader.  
Washington, D. C., Dec. 2.—It was stated today on excellent authority that Secretary Garfield will review and give his recommendation that legislative authority be given for the sale of the segregated coal lands in the Cherokee and Chickasaw nations.

There is more than a half million acres of land in these segregations, and much of it is valuable for farming purposes. The white population has for a long time urged this disposition of the land for the reason that, aside from opening homes to white settlers, it would enlarge the taxable area.

The Indians have as steadily opposed the sale of the surface, and Chief McCurtain in his last message to the congress was especially vigorous in his denunciation of this proposition.

The Indians fear that if the surface of the mineral lands will be sublet materially from their value as mining lands.

## BANK ROBBERS SECURE CASH

(By Associated Press.)  
Pepperell, Mass., Dec. 2.—Fourteen thousand dollars in cash was secured by burglars who early today blew open the vault of the First National bank here. The thoroughness and skill with which the work was performed has convinced the police that the burglars were professionals. Three men were in the party and although seven eveninging in an automobile, all trace of them was soon lost.

## NEGRO IS KILLED.

Special to Daily Leader.  
Oklahoma City, Okla., Dec. 2.—Herman Buckner, negro, who is charged with the shooting of Oscar Rollins, a negro Friday night, was arrested here today. He was taken to a house in East Oklahoma City by A. G. Haden, a negro, who turned him over to the sheriff.

## MAN SHOT NEAR LAWTON.

Special to Daily Leader.  
Lawton, Okla., Dec. 2.—A. H. Stewart, residing near this city, was shot and fatally wounded today on a road near his home.

## PORT AU PRINCE IN REVOLT

PEOPLE TAKE POSSESSION  
OF CITY WITHOUT  
BLOODSHED

GENERAL LEGITIMATE  
ACCEPTS PRESIDENCY

Not Thought Outbreak Would  
Occur So Quickly—No  
Fighting With Troops

(By Associated Press.)  
Port Au Prince, Dec. 2.—People of Port Au Prince have revolted against the government and are now in possession of the city. There was no fighting with the government troops. A provisional government has been established and General Legitime has accepted the presidency of the new administration. It was not thought the outbreak would occur so quickly, or could be successful without shedding of a drop of blood.

The people of Port Au Prince have moved against Nord Alexis and the place is surrounded by an infuriated mob calling upon him to leave the country. Almost everybody in the crowd is armed. Haitian women, beside themselves with rage, are calling down curses on the head of the aged man who was today deposed from the presidency of the republic and hurling coarse epithets at him and his family.

## LANGSTON COLLEGE CONTRACT LET

The board of regents of Langston college this afternoon awarded the contract for the new main hall to replace the \$15,000 structure destroyed by fire last April to the Texas Building company, of Ft. Worth, Texas. The contract price is \$19,000. The board is contemplating awarding the same company the contract for installing a heating plant in the building, to cost \$4,000. Six bids were received by the board of the building, the next lowest being \$60,000. The amount appropriated for the building by the last legislature was \$65,000.

## INSPECT NEW FIRE ESCAPE

The board of regents for the state normal schools yesterday examined a fire escape installed at the Central State Normal school by a Saginaw, Michigan concern. The board is undecided as to whether they will accept the system or not. The work was out in an approval. Fire chief Gruber witnessed the exhibition of the new fire escape and said it worked like a charm. In about a minute were out through the chute.

## DRAG RIVER FOR BODY

C. G. Whitney, a brother of A. J. Whitney, secretary of the Farmers' Union Oil mill who is thought, was drowned in Sunday's flood arrived this morning from Garnett, Kansas, accompanied by Whitney's brother-in-law and mother-in-law. A large party of men, led by the brother and others of the Farmers mill dragged the river in the vicinity of the mill today for Whitney's body, but no trace of him had been found up to 2 o'clock this afternoon.

## JOHNSTON DIFFERS

"I see that some one has ruled that we have no members of the state legislature," said Henry B. Johnston, president pro tempore of the senate, "but you let Governor Haskell and Lieutenant Governor Bellamy leave the

state at the same time and see whether or not the gentleman from Perry has not a sure sort of hold in the very official position. You are now printing a decision from the Supreme court on Senate Bill No. 61, expressly stating the legislature always intends to conform to the laws, and that there is, in such thing as law ceasing to exist. It applies in that particular case the same as in all others. There is ever an officer for the position specified in the organic law, and whenever someone contravenes has accomplished the feat of overturning the very spirit of government. In this and every other state we have officers, and there is no such thing as having no state legislative members, or other officials, whose duties are distinctly specified. Under stand, it is not of grave importance at this time, and may never be, but one safe proposition to be handed down is that under no condition can there be a lapse of law enforcing or lawmaking officials in this or any other state. All reports to the contrary are made without proper conception of the intent of law. And, after all, intent has much to do with all legal matters."

Senator Johnston laughingly added that a state which can not afford a keep its official roster complete is entitled to some little criticism, especially when such roster is without cost to the taxpayers, or such cost already paid.

## STATE POLITICAL NEWS IN BRIEF

Representatives W. F. Gilmer and John R. Whayne, of Carter county, were in the city today. Mr. Gilmer is a receptive candidate for speaker. "W. T." is in the hands of his friends," said Mr. Whayne, "and may go in to prevent the other boys from scrapping."

John R. McCalla, of Love county, candidate for speaker, is in the city.

J. L. Paschal, representative-elect from Rankin, Roger Mills county, is here.

Ned Gilson is up from Comanche county making medicine with Republicans.

Col. Busby, the coal baron, is at the lone. "Speaking about the price of coal," said Col. Busby, "I beg to advise that I am satisfied with it."

Lydiek Named Regent.  
J. D. Lydiek, of Shawnee, was today appointed regent of the state university at Norman, vice A. J. Rittenhouse who resigned on account of ill-health.

## WEATHER FORECAST.

(By Associated Press.)  
Chicago, Ill., Dec. 2.—Fair and warmer tonight; Thursday warmer with increasing cloudiness and rain or snow.

## TO OBSERVE LINCOLN CENTENARY

With the view of Oklahoma taking its place in the front with a fitting observance of February 12th, 1909, the centennial of the birth of Abraham Lincoln, our martyred President, Governor Haskell has appointed a committee of five of the leading citizens from each of the five congressional districts, to be headed by the late ex-President Grover Cleveland. President Roosevelt and President-elect W. H. Taft.

The association has raised some \$100,000 of the needed funds, but about \$60,000 more is required to complete all the work and provide for a future maintenance. More than 50,000 people have already contributed. The deficit is to be raised, if possible, from the bank and life of the American people at the centennial celebration in donations from 25 cents upward.

Chairman Dunn in a few days will issue a call for the committee to meet. The personnel of the committee follows:

First Congressional District: W. L. Eagleton, Pawnee; Frank Hamilton, Ed; Henry E. Asp, Guthrie; Roy W. Hoffman, Chandler; E. F. Blake, Blackwell.  
Second Congressional District: Thomas B. Ferguson, Watonga; Dr. D. H. Patton, Woodward; E. G. Little, Ardmore; Paul Nesbitt, Oklahoma City; W. B. Walker, Clinton.  
Third Congressional District: Charles J. Wrightman, Tulsa; Joseph Butler, Vinita; O. W. Kilham, Grove; Oscar Hays, Webber Falls; Fred Pfendler, Sapulpa.  
Fourth Congressional District: G. W. Phillips, Casey; D. S. Robb, Atoka; A. L. Beckwith, Durant; J. B. Spragins, Ardmore; Ed McKenna, Poteau.  
Fifth Congressional District: J. F. Bishop, Chickasha; S. C. Massingale, Corbitt; J. W. Ryder, Granite; J. O. Long, Sayre; J. H. Anderson, Snyder.

## OCCUPATION TAX CASE DECIDED

SUPREME COURT GRANTS  
HABEAS CORPUS WRIT TO  
CHANDLER CITIZEN

RESISTED PAYING  
DOUBLE LICENSE TAX

Takes Appeal to High Court  
When Ordered to Pay or  
Go to Jail

The supreme court this morning in a unanimous opinion granted a writ of habeas corpus to U. W. Unger, of Chandler, who was sentenced to thirty days in jail by the police judge of Chandler for an alleged violation of an occupation tax ordinance. Unger was ordered imprisoned for refusing to pay his tax and was given over to the custody of the city marshal. He gave bond and appealed his case to the supreme court, alleging that he was being illegally held.

The Chandler city council passed an occupation tax on auctioneers and contractors. A painter working by the day was charged a tax of \$6 a year under the ordinance and a contractor \$20 a year. Unger was arrested on the charge of violating the ordinance for taking a contract to paint a house, after he had already paid the \$6 license fee as a painter. The charge being that in performing work under contract he became a contractor.

The supreme court in passing upon the case held that Unger was not really doing contract work and that it was only "an odd job," but held that under the legislative powers granted to cities by the legislature the term "contractor" in an occupation tax ordinance is not sufficiently generic to cover "persons doing contract work." The court held that that part of the occupation tax ordinance seeking to impose a tax on "persons doing contract work" was void. The syllabus of the opinion follows:

A grant by the legislature of taxing power to a municipal corporation is to be strictly construed and any fairly reasonable doubt concerning the existence of such power is resolved in favor of the municipality.

2. The power is granted by the legislature to a city of the first class to levy by ordinance an occupation tax on "contractors," held, that the term is not sufficiently generic to cover "persons doing contract work" and that that part of an ordinance seeking to levy such tax on "persons doing contract work" is illegal and void.

3. Habeas corpus will lie to discharge a petitioner restrained of his liberty by virtue of a conviction based upon a void ordinance.

## PINE BLUFF'S DILEMMA

(By Associated Press.)  
Pine Bluff, Ark., Dec. 2.—Two Arkansas rivers reached the stage of twenty-three feet early today and is rising rapidly. The bank of the river in the rear of the Jefferson hotel and county court house began falling into the river in large sections this morning. The court house annex has been vacated by officials, who consider the building unsafe.

## KILLS SELF AT OKLAHOMA.

Special to Daily Leader.  
Oklahoma City, Okla., Dec. 2.—Mrs. Reula Sadler, aged 70, killed herself here by taking strychnine. She left a note.

## TELLS ABOUT PRICE OF COAL

The Leader has received the following letter from Corporation Commissioner Watson:

ing coal from McCurtain mines at McCurtain, Okla., on account of a letter I wrote you some time ago and many of them have been charged in excess of \$2.00 per ton; and that some orders have been turned down.

If they will write to E. A. Coen, general manager Bankoils Coal company, at Ft. Smith, Arkansas, the orders will all be filled at \$2.00 per ton for lump coal; steam coal will be cheaper. There are other companies operating at McCurtain. Yours very truly, A. P. Watson.

## CATTLE ARE STARVING

(By Associated Press.)  
Denver, Colo., Dec. 2.—Thousands of cattle on ranges in Colorado are reported to be starving with the prospect there will be unprecedented loss to cattlemen during the winter which opened early and has caught a majority of the stockmen unprepared. Feed is selling at almost prohibitive prices in range districts, hay now bringing twenty-five to thirty dollars per ton in the Arkansas valley and Park range districts.

## DECISION ON PROHIBITION

Ada, Okla., Dec. 2.—County Judge Terrell rendered a decision which will largely aid the officers in securing actual prohibition enforcement as the man who conveys a trial of illicit goods around on his person will understand that he is as guilty as the whisky peddler who sold it to him.

In the case in question it developed on the trial that the defendant had purchased a pint of whisky from a stranger in the rear of a building on a side street in Ada, placed the same in his pocket and proceeded to go down Main street to a point where he was placed under arrest by the sheriff. The trial was before the court, the defendant having waived a jury, and Judge Terrell, after hearing the evidence, found the defendant guilty of moving, intoxicating liquor from one part of the state of Oklahoma to another, as charged in the information, and assessed his punishment at thirty days in jail and a fine of \$75.

## MARRIED IN BANK

Eddy, Tex., Dec. 2.—A. B. Smith, of Oklahoma, and Miss Beattie Pentecost, who lives near Bell Falls, about eight miles south of here, were married in the bank of Eddy, Tex., where they were attending.

At 1 o'clock Mr. Smith appeared on the street in search of a minister. He had but a short time in which to catch the northbound train, the depot was full of people, also the stores, and the question of where the ceremony might be performed was discussed quietly. The bank seemed the most likely place, and when application was made to the man behind the grating, he agreed. When the ceremony was performed, Mr. and Mrs. Smith took the northbound train for Ada, Okla., where they will make their future home.

Rev. Murphy said after the wedding that he had been marrying people for thirty years, that he had married them in a variety of places, in depots, in stores, in public places, in churches, in the middle of the road, but that he had never before married a couple in a bank.

## GERMANS PREDICTED HIS END

Paris, Dec. 2.—The government has successfully staved off a parliamentary inquiry into the way the police have handled the Steinheil case, but public interest is centered wholly in the political mystery. The name of Felix Faure and theories of his murder are on every lip, while the murdered president's mother-in-law are almost forgotten.

In La Liberté Henri Deschamps quotes a resident of the Immense Rouille, who from his window saw the body of Felix Faure carried from the Friedrich home by two men, one holding the head, the other the feet, and lifted into a carriage which had waited for an hour in front of the illuminated house. Others relate that Faure was not dead until laid out upon the table in the secretary's room at the Elysée, where a priest gave absolution to extremists and doctors were summoned to draw up the ambiguous death certificate.

The political nature of the crime which removed Faure is no longer questioned. The relative states that a month before his death the German embassy predicted the death of this man, who stood in the way of resurrec-

## GOVERNOR WILL FIGHT MONOPOLY

CHIEF INSTIGATOR OF  
OUSTER SUIT AGAINST  
STANDARD OFFSHOOT

ACQUIRED LEASE THROUGH  
ROOSEVELT'S ASSISTANCE

Haskell Will Make Fight of His  
Life to Defeat Effort of  
Barnsdall Company

A native to the ouster suit filed in Pawhuska on behalf of the state against the Indian Territory Illuminating Oil company Governor Haskell said:

"For the time being the company may be making fair rates. We don't know as to this fact, but we do know that the history of the Standard Oil company practices in the eastern gas fields has been to demand a fancy price for gas after they completely monopolize its control and production. Therefore this company should not be permitted to monopolize the gas for use within this state, nor be permitted to pipe it outside the state."

"By the assistance and co-operation of President Roosevelt this Standard Oil offshoot has secured a monopoly of this gas field, in so far as it was possible for the president to aid them, but the county attorney of Osage county and the governor are both opposed to their belief that the president's grant to a foreign corporation of interest in real estate in Oklahoma is void, and that the attempt to monopolize the gas production is also in violation of the laws and constitution of our state."

This is the same company to which President Roosevelt gave the new lease on 500,000 acres of the Osage nation. The governor's investigation also showed him that this company had obtained the gas rights in every subsurface they had made of the oil privileges; that this same company has also, with the knowledge and co-operation of President Roosevelt, acquired the gas rights on nearly one-half million acres in the Cherokee and Creek nations.

The result would be that this Standard Oil agency would in fact control and monopolize the natural gas production.

It is also true, as confirmed by the governor's investigation, that Barnsdall has promised the city council of St. Louis to bring Oklahoma gas to that city. Barnsdall relies upon his ability to have the United States court overrule the Oklahoma constitution and laws, but the governor has heretofore defeated three attempts on the part of the Standard Oil company to get gas pipe lines across our state line, and will make the fight of his life to defeat this effort of the Barnsdall company.

## DROWNED IN CREEK.

Special to Daily Leader.  
Tulsa, Okla., Dec. 2.—While attempting to ford Little Bear creek, up from the heavy rains, James McPail, a well-to-do farmer, was drowned near Periton, Okla. His son, who was with him in the buggy escaped.

## TELLS ABOUT PRICE OF COAL

Everywhere one touches the story there is mystery. Her salon was the resort of the best known politicians and the most influential men, among others, Kinsaul Arena, the young and powerful senator from Corsica. La Patrie states that two days after the murders of Steinheil and Mme. Japy the young senator was removed to an insane asylum, where his death followed.

(Continued on Page 4.)